IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

GOPAL K. SATTINENI, :

:

Plaintiff, : Case No. 2:10-CV-01046

v. : JUDGE ALGENON L. MARBLEY

:

:

JANET NAPOLITANO, Secretary,

Department of Homeland Security, et al.,

Magistrate Judge Mark Abel

:

Defendants.

ORDER GRANTING DISMISSAL OF THE ACTION

This matter is before the Court on the Motion to Dismiss For Lack of Jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1) filed by Defendants Janet Napolitano, Alejandro Mayorkas, and F. Gerard Heinauer ("Defendants"). (Dkt. 20.) Plaintiff has not filed a response to Defendants' Motion. For the reasons set forth herein, the Defendants' Motion is **GRANTED**.

Plaintiff Gopal Sattineni, a citizen of India, brought suit requesting this Court to find jurisdiction and adjudicate his then-pending Application to Adjust Status based on Immigration Petition for alien Worker (Form I-485) ("Application"), filed with the United States Citizenship and Immigration Services ("USCIS") Texas Service Center on July 5, 2007, and subsequently transferred to the Nebraska Service Center. Alternatively, Plaintiff sought to compel Defendants to make a determination on the Application because Defendants had unreasonably delayed in adjudicating it, thus effectively depriving Plaintiff of the benefit of becoming a permanent resident of the United States.

On July 20, 2011, the USCIS issued its decision on Plaintiff's Application, denying it for Plaintiff's failure to meet the statutory requirements for the requested adjustment of immigration

status. (Dkt. 20-1, Exh. A.) Defendants now move to dismiss the Complaint for lack of subject

matter jurisdiction in light of the USCIS's decision, as no further case or controversy exists. See

Fed. R. Civ. P. 12(b)(1). The Court agrees that Plaintiff has received his requested relief in the

form of adjudication on his Application by the USCIS, which is further confirmed by his failure

to submit a response to Defendant's motion to dismiss.

Plaintiff's action in this Court is therefore moot, and Defendant's Motion to Dismiss for

Lack of Jurisdiction is **GRANTED**. The Complaint is accordingly **DISMISSED**, with

prejudice.

IT IS SO ORDERED.

DATED: February 7, 2011

s/Algenon L. Marbley Algenon L. Marbley

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